IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 330 OF 2007

Shri Chetan Vitthal Tupe .... Applicant

Vs.

Shri Sailesh Narayan Shinde .... Respondents & Ors.

Mr. R.V. Govilkar with Mr. Sarang Aradhye for the Applicant

Mr. G.S. Godbole for the Respondent no. 1.

CORAM : S.A. BOBDE, J.
DATE : 6TH AUGUST, 2007

P.C.

1. According to the Applicant, the election petition filed against him ought to have been rejected under Order VII, Rule 11 of the C.P.C. on the ground that the petition contains a statement which is contrary to law. There is no merit in this submission, since a petition which contains a statement contrary to law does not automatically become a petition which entails rejection under Order VII, Rule 11 of the C.P.C. being a petition which does not disclose a cause of action or being barred by any law. Clause (d) requires the rejection of a plaint or as in this case the

petition which itself is barred by law.

2. The contention of the learned Counsel for the applicant is really not that the petition is barred by any law, but that petition contains a statement which is contrary to law. I see no reason to interfere with the order of the Election Tribunal on this ground.

3. There is no merit in the other contentions on behalf of the applicant that the petition should be treated as barred by any law because there is allegedly no verification as required by Order VI, Rule 15 of the C.P.C. Order VI, Rule 15 of the C.P.C. even if it constitutes a mandatory provision for verification, does not impose a bar or prevent a Court from entertaining a petition which does not have a verification. Such a defect is curable and not fatal. Vide H.D. Revanta v. G. Puttaswamey Gowda, (1999) 2 SCC 217. There is no merit in this submission.

4. The Revision Application is dismissed.

(S.A. BOBDE, J.)